

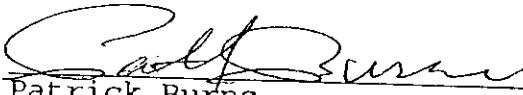
7. The searched parcel had affixed to it a preprinted return address label in the name of "M. Crooker" and a label reflecting that Crooker had insured the parcel.

8. I am aware that people who use preprinted return address labels frequently have a supply of such labels in their residences. In addition, people who insure mail parcels frequently maintain a record of the insurance in case a claim has to be made.

9. I have also learned through the course of this investigation that Crooker has offered for sale over the internet items that can be used to make explosives. In an e-mail, Crooker stated to a correspondent, in part, "I don't fart around with regulations either. I usually just sent them Parcel Post (even things like Nitriict [sic] Acid that I just sold.)" I have been told by the United States Postal Inspection Service that it is illegal to mail nitric acid.

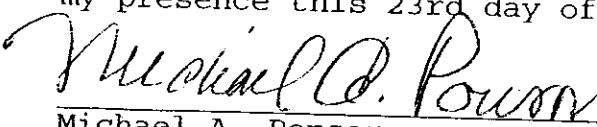
10. In consideration of the foregoing, I respectfully request that this Court issue a search warrant for the Premises described more fully above in paragraph number 2, authorizing any Special Agent of the Bureau of Alcohol, Tobacco, Firearms and Explosives, with appropriate assistance from other law enforcement authorities, to search the Premises and to seize any evidence of violations of Title 18, United States Code, Sections

921 and 922(g), including but not limited to the items listed on the List of Items to be Seized, which is attached hereto as Exhibit D.



Patrick Burns
Special Agent
Bureau of Alcohol, Tobacco, Firearms and
Explosives

Sworn to before me and subscribed in
my presence this 23rd day of June, 2004.



Michael A. Ponson

United States District Judge

COPY**United States District Court**

DISTRICT OF MASSACHUSETTS

In the Matter of the Search of
 (Name, address or brief description of person, property or premises to be searched)

Insured Parcel No. VE 169 385 056 US,
 addressed to Mike Paulus, 1145 Shimp Dr., Celina, OH
 45822; with a return address to M. Crooker, Apt. 29,
 1162 Springfield St., Feeding Hills, MA 01030

**APPLICATION AND AFFIDAVIT
FOR SEARCH WARRANT**

CASE NUMBER: 04 654

I Bryon L. Dailey, U.S. Postal Inspector

being duly sworn depose and say:

I am a(n) United States Postal Inspector
 Official Title

and have reason to believe

that on the person of or on the property or premises known as (name, description and/or location)

Insured Parcel No. VE 169 385 056 US, addressed to Mike Paulus, 1145 Shimp Dr., Celina, OH 45822, with a return
 address to M. Crooker, Apt. 29, 1162 Springfield St., Feeding Hills, MA 01030

in the _____ District of _____ Massachusetts
 there is now concealed a certain person or property, namely (describe the person or property to be seized)
 a firearm

which is (state one or more bases for search and seizure set forth under Rule 41(b) of the Federal Rules of Criminal Procedure)
 believed to have been knowingly mailed by the U.S. Mail

concerning a violation of Title 18 United States code, Section(s) 921 and 922
 The facts to support a finding of Probable Cause are as follows:

See Attached Affidavit

Continued on the attached sheet and made a part hereof.

Yes No
Bryon L. Dailey
 Signature of Affiant

Sworn to before me, and subscribed in my presence

June 14, 2004

Date

Michael A. Ponsor, United States District Judge
 Name and Title of Judicial Officer

This form was electronically produced by Elite Federal Forms, Inc.

at Springfield, Massachusetts

City and State

Signature of Judicial Officer

A

Affidavit

I Bryon L. Dailey, being duly sworn, state as follows:

1. I am a United States Postal Inspector and have been so employed for 15 years. I am currently assigned to the Springfield, Massachusetts, office of the United States Postal Inspection Service (USPIS). As a Postal Inspector, I am responsible for investigations involving the theft of United States mail, obstruction of the United States mail, mail fraud, and other criminal activities involving the use of the mail, including the investigation of non-mailable items, such as controlled substances and explosives, that are given over to the United States Postal Service (USPS) for delivery.

2. I am making this affidavit in support of an application for a search warrant to search the contents of a parcel post parcel, insured parcel no. VE 169 385 056 US, addressed to Mike Paulus, 1145 Shimp Dr., Celina, OH 45822; with a return address to M. Crooker, Apt. 29, 1162 Springfield St., Feeding Hills, MA 01030. A copy of a digitally taken photograph for the parcel is attached as Exhibit 1. The parcel has a postage meter stamp from the Feeding Hills Post Office, in the amount of 16.72. It measures 27 inches in length, 12 inches in width, and is 14 inches deep.

3. Since this affidavit is being submitted for the limited purpose of securing a search warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that the parcel contains

evidence, fruits or instrumentalities of the offense of unlawful transportation of a firearm, in violation of Title 18, United States Code, Sections 921 and 922(a)(3).

Probable Cause

4. On June 1, 2004, I reviewed a referral from the Milwaukee Field Office of the United States Postal Inspection Service. The referral was in reference to a customer complaint regarding an eBay advertisement which identified Michael Crooker ("Crooker") at 1162 Springfield St., Feeding Hills, MA 01030, as selling chemicals that would be mailed by the United States Postal Service if purchased. The list of chemicals included hydrochloric acid which is considered to be a hazardous material, and therefore, is not mailable. When the prospective customer read the advertisement, the customer asked the seller (identified as Crooker) whether the chemicals provided on the list were mailable. Crooker replied that he (Crooker) had no concerns for the regulations and usually mailed all items that he sold by parcel post, including nitric acid. The customer then forwarded his/her e-mail correspondence regarding the sale of chemicals to the USPIS.

5. Thereafter, on June 2, 2004, I contacted the Postmaster at the Feeding Hills Post Office regarding Crooker. I learned from the Postmaster and other postal officials at the Feeding Hills Post Office that Crooker is known to them and mails parcels on a frequent basis from that post office. I asked the Postmaster to notify me with respect to future parcels being mailed by Michael Crooker.

6. Based on the concerns regarding hazardous materials being placed in the mail delivery stream, I contacted the USPIS Legal Department on June 2 and June 7, 2004 for appropriate guidance in detaining and identifying any future suspected hazardous mailings by Crooker. I learned that USPS regulations provide for the screening of mail by x-ray or other appropriate means when there is a credible threat that the mail at issue "may contain a bomb, explosives, or other material that would endanger life or property." See Administrative Support Manual Sections 274.31 and 274.41.

7. On June 8, 2004, I was notified that the parcel described in paragraph no. 2 was mailed by Crooker at the Feeding Hills Post Office on that day. The Postmaster related to me that Crooker was asked whether the parcel contained any hazardous materials¹. According to the Postmaster, Crooker responded that the item contained metal parts.

8. On June 10, 2004, the parcel was examined by x-ray equipment in the possession of the USPIS. Based on my review of the x-ray and my training and experience, I believe that the parcel contains some type of firearm. A trigger, barrel and stock are visible in the x-ray examination. The x-ray photograph was captured by digital photography and is attached as Exhibit 2.

9. On June 10, 2004, I contacted the Bureau of Alcohol, Tobacco & Firearms in order to determine if either the sender,

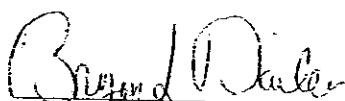
¹ This type of inquiry is common practice in any postal facility accepting mail from customers. A notice alerting customers to the violations of mailing items that are considered hazardous is posted in every USPO mail facility.

Crooker, or the addressee, Mike Paulus, are authorized to mail or receive firearms. According to ATF Special Agent Patrick Burns, neither Crooker or Paulus are so authorized. In addition, I have reviewed Crooker's criminal history and know him to be a convicted felon. As a result, Crooker is prohibited from possessing firearms.

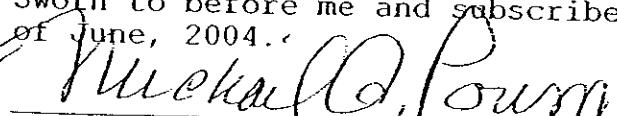
10. Based on the above, there is probable cause to believe that Michael Crooker is knowingly mailing a firearm by the U.S. Mail, in violation of Title 18, United States Code, Sections 921 and 922(a)(3).

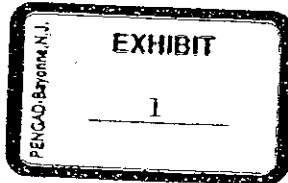
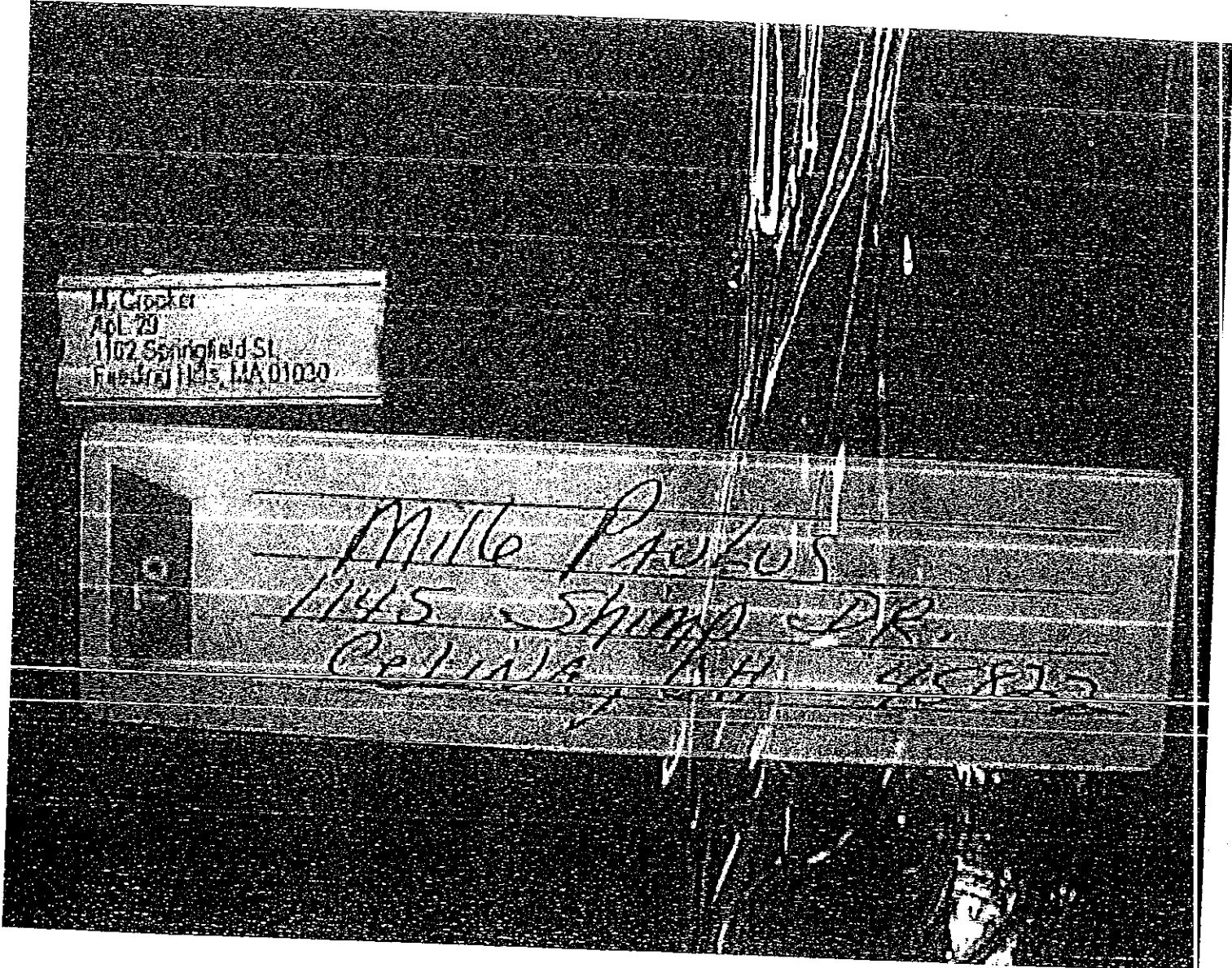
Conclusion

11. In consideration of the foregoing, I respectfully request that this Court issue a search warrant for the parcel described more fully above in paragraph no. 2, authorizing any U.S. Postal Inspector, with appropriate assistance from other law enforcement authorities, to search said parcel and to seize the parcel and any evidence of violations of Title 18, United States Code, Sections 921 and 922(a)(3).

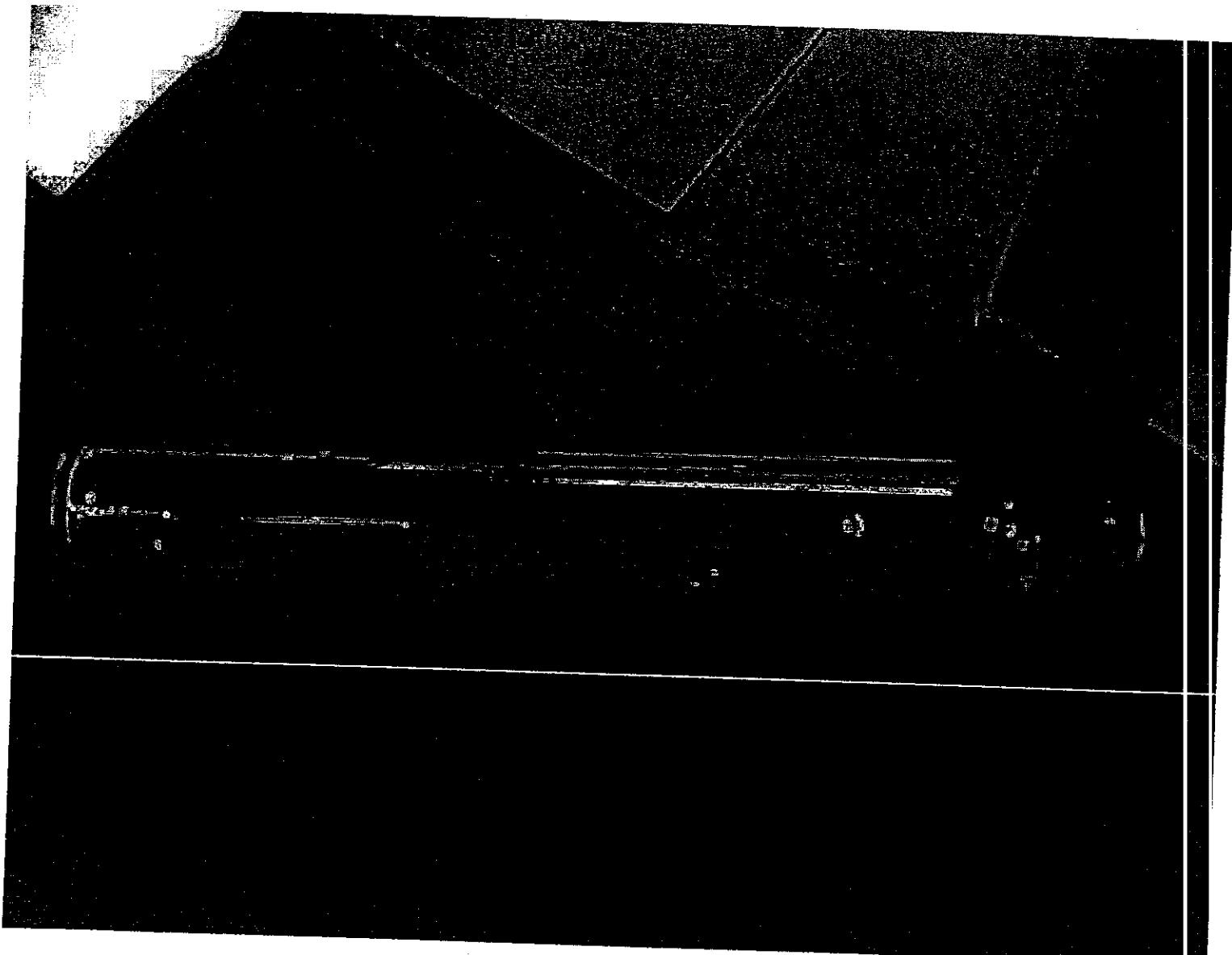

Bryon L. Dailey
United States Postal Inspector

Sworn to before me and subscribed in my presence this 14th day of June, 2004.

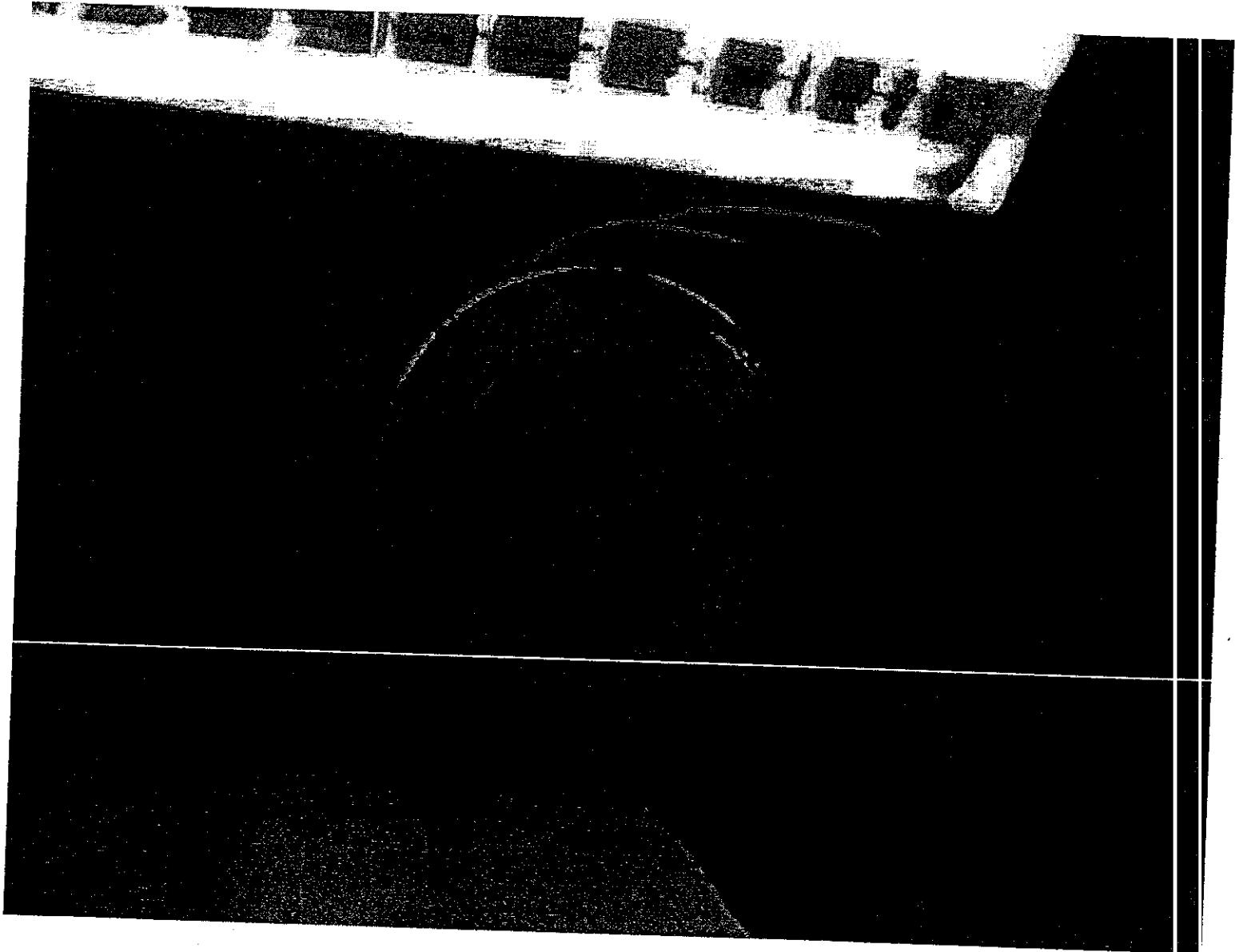

Michael A. Ponsor
United States District Judge



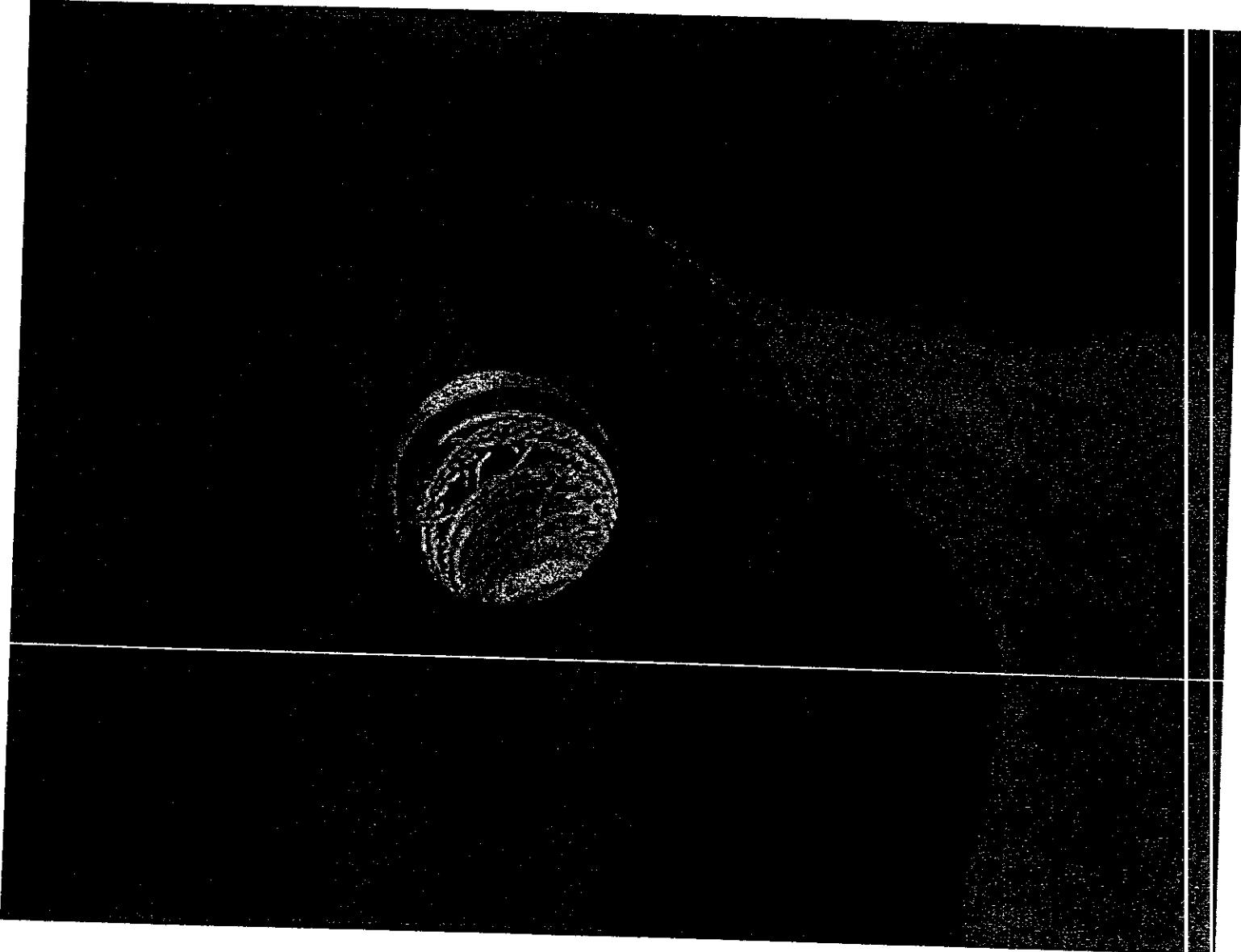




B



C



D

Attachment - Items to be Seized

1. All physical evidence relating to the sending of parcels in the mail, including wrapping paper, tape and return address labels.
2. All physical evidence relating to the delivery of insured parcel no. VE 169 385 056 US, addressed to Mike Paulus, 1145 Shimp Dr., Celina, OH 45822.
3. All physical evidence relating to the offering of firearms and hazardous materials for sale or delivery.
4. All evidence of the manufacture of firearms, including silencers and component parts.
5. All computers which could hold electronic evidence relating to the offering of firearms and hazardous materials for sale or delivery and/or the manufacture of firearms, including silencers and component parts.

E